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DATE: June 24, 2004
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Please deliver this and the following pages to:

Examiner: **Karen A. Canella**
U.S.P.T.O. Group Art Unit: **1642**
Telecopier No.: **571-273-0828**
U.S. Serial No.: **09/921,516**
Client/Matter No.: **JJPR-0027(ORT-1462)**
Sender's Name: **Leslie E. Aberman**
Pages to Follow: **14**

If transmission is not complete, please call our Philadelphia Office at (215) 568-3100.

COVER MESSAGE:

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Attached hereto is/are the following documents:

- 1) Postcard
- 2) Reply Transmittal
- 3) Response to Restriction Requirement

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERY OF THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

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**RECEIVED BY THE UNITED STATES
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Paper: Reply Transmittal Letter (in duplicate) w/Express Mail
Sucker; Response to Restriction Requirement; copy of Associate Power of
Attorney and Change of Correspondence Address; Check in the amount of \$420.00
to cover 2 month extension of time fee; and Return Postcard all via Express Mail
Label No. EL969188999US.

Applicant(s): Loreta Itri, et al.

Title: Improved Anti-Viral And Anti-Tumor Chemotherapy By
Administration Of Erythropoietin

Application No.: 09/921,516

Filed: August 1, 2001

Docket No.: 31PR-0027(ORT-1462)

Date Sent: February 4, 2004

Sent By: Reed/Aberman/Alampton



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DOCKET NO.: JJPR-0027(ORT-1462)

JUN 25 2004

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:
Loretta Itri, et al.

Application No.: 09/921,516

Filing Date: August 1, 2001

Confirmation No.: 6089

Group Art Unit: 1642

Examiner: Karen A. Canella

For: **IMPROVED ANTI-VIRAL AND ANTI-TUMOR CHEMOTHERAPY BY
ADMINISTRATION OF ERYTHROPOIETIN**

EXPRESS MAIL LABEL NO: EL969188999US
DATE OF DEPOSIT: February 4, 2004

EL969188999US

☐ MS Non-Fee ☐ MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REPLY TRANSMITTAL LETTER

- ☐ A Preliminary Amendment.
- ☒ A Reply Responsive to the Restriction Requirement Dated November 26, 2003.
- ☐ A Reply Supplemental to the Paper filed
- ☐ A Substitute Specification (pages 1 -) in clean form.
- ☐ A substitute specification (pages 1 -) with markings.
- ☐ An Abstract is enclosed.
- ☐ replacement sheets of drawings are enclosed comprising figures
- ☐ Request is hereby made to accept black and white photograph(s) in this case, as they are the only practicable medium for illustrating the claimed invention. One (1) set of black and white photographs comprising figure(s) is submitted herewith.
- ☐ Petition is hereby made to accept drawing(s)/photograph(s) in this case.

DOCKET NO.: JJPR-0027(ORT-1462)

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- ☐ Three (3) sets of color drawing(s)/photograph(s) and black and white photocopy that accurately depicts to the extent possible, the subject matter shown in the color drawing(s)/photograph(s), are enclosed, comprising figures
- ☐ An amendment to the first paragraph in that portion of the Brief Description of the Drawings is also enclosed herewith advising that the patent contains at least one drawing/photograph in color.
- ☐ A Certified Copy of each of the following applications: is enclosed.
- ☒ An Associate Power of Attorney (and Change of Correspondence Address) is enclosed.
- ☐ Information Disclosure Statement.
- ☐ Attached Form 1449.
- ☐ A copy of each reference as listed on the attached Form PTO-1449 is enclosed herewith.
- ☐ A Terminal Disclaimer is attached.
- ☐ Appendices as follows:
- ☐ Other
- ☐ No Additional Fee is Due.
- ☐ Applicant(s) has previously claimed small entity status under 37 CFR § 1.27.
- ☐ Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR § 1.27 as
- ☐ This application is no longer entitled to small entity status. It is requested that this be noted in the files of the U.S. Patent and Trademark Office.

DOCKET NO.: JJPR-0027(ORT-1462)

PATENT

	REMAINING AFTER AMENDMENT	HIGHEST PAID FOR	EXTRA	SMALL ENTITY		NOT SMALL ENTITY	
				RATE	FEE	RATE	FEE
TOTAL CLAIMS	28	(20 MINIMUM) 28	0	\$9 EACH	\$	\$18 EACH	\$
INDEP. CLAIMS	4	(3 MINIMUM) 4	0	\$43 EACH	\$	\$86 EACH	\$
FIRST PRESENTATION OF MULTIPLE DEPENDENT				\$145	\$	\$290	\$
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME				\$55	\$	\$110	\$
<input checked="" type="checkbox"/> TWO MONTH EXTENSION OF TIME				\$210	\$	\$420	\$420.00
<input type="checkbox"/> THREE MONTH EXTENSION OF TIME				\$475	\$	\$950	\$
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME				\$740	\$	\$1480	\$
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME				\$1005	\$	\$2010	\$
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID				minus	(\$)	minus	(\$)
<input type="checkbox"/> TERMINAL DISCLAIMER				\$55	\$	\$110	\$
<input type="checkbox"/> OTHER FEE OR SURCHARGE AS FOLLOWS:							
TOTAL FEE DUE					\$		\$420.00

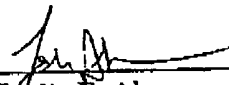
- ☒ A check in the amount of \$420.00 is attached. Please charge any deficiency or credit any overpayment to Deposit Account 23-3050.
- ☐ Please charge Deposit Account No. 23-3050 in the amount of .00. This sheet is attached in duplicate.
- ☐ Petition is hereby made under 37 CFR § 1.136(a) (fees: 37 CFR § 1.17(a)(1)-(4)) to extend the time for response to the Office Action of to and through comprising an extension of the shortened statutory period of month(s).

DOCKET NO.: JJPR-0027(ORT-1462)

PATENT

- ☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to Deposit Account 23-3050. This sheet is provided in duplicate.

Date: February 4, 2004



Leslie E. Aberman
Registration No. 54,836

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DOCKET NO.: JJPR-0027 (ORT-1462)
Application No.: 09/921,516
Office Action Dated: November 26, 2003

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In re Application of:
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EXPRESS MAIL LABEL NO: EL969188999US
DATE OF DEPOSIT: February 4, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

This amendment is being submitted in response to the Office Action dated November 26, 2003 issued in connection with the above-identified application. Applicants respectfully request favorable consideration in view of the amendments and remarks that follow:

- ☒ **Amendments to the Claims** are reflected in the listing of the claims which begins on page 2 of this paper.
- ☒ **Remarks/Arguments** begin on page 8 of this paper.